

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

In re: **Joseph M. Winebarger  
Agnes M. Winebarger  
Debtor(s)**

Case No.: **15-70558-PBA**

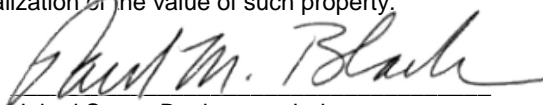
**ORDER CONFIRMING PLAN**

The Chapter 13 Plan filed by the Debtor(s) on April 24, 2015, having been transmitted to all creditors; and it having been determined that the plan meets each of the requirements of 11 U.S.C. § 1325(a);

**It is ORDERED that:**

- (1) the Plan as filed or modified is CONFIRMED.
- (2) Upon entry of this order, all property of the estate shall revert in the Debtor(s). Notwithstanding such reversion, the Debtor(s) shall not encumber, refinance, sell or otherwise convey real property without first obtaining an order of approval from this court.
- (3) All funds received by the Chapter 13 Trustee on or before the date an order of conversion or dismissal shall be disbursed to creditors, unless such disbursement would be de minimis, in which case the funds may be disbursed to the Debtor(s) or paid into the Treasury registry fund account of the Court, at the discretion of the Trustee. All funds received by the Chapter 13 Trustee after that date of the entry of the order of dismissal or conversion shall be refunded to the Debtor(s) at their address of record.
- (4) Other provisions:
  - a.) The Trustee's motion to dismiss is withdrawn.
  - b.) Following review of all pay advices for the current monthly income period, the parties agree that for purposes of 11 U.S.C. secs. 1322(d) and 1325(b), the debtors are above-median debtors and therefore the applicable commitment period is sixty months. Therefore, the debtors shall continue their \$1,012.94 monthly plan payment for a period of sixty months. Together with their three proposed \$2,500.00 tax refund payments and absent further order of the Court, the total to be paid under the Plan is \$68,276.40.
  - c.) Notwithstanding paragraph two (2) above, the Debtor(s)' interest in property defined by 11 U.S.C. § 1306(a)(1), which includes future interests and inchoate interests, reverts in the Debtor(s) only to the extent that the Debtor(s) could legally claim such interest(s) as exempt and is(are) subject to the legal limitations of that exemption. Confirmation is without prejudice to the Trustee seeking, but not requiring, further modification of the Chapter 13 Plan upon realization of the value of such property.

Dated: 07/14/15

  
United States Bankruptcy Judge

Prepared By: /s/Christopher Micale  
(Trustee)

Seen and Agreed: /s/ Scot S. Farthing, with permission  
Counsel for Debtor(s)